

Message Text

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ACTION EA-10

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AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS; BDIS, JA

SUBJECT: TEMPEL STEEL CORP. VS. MERBABU TRADING CO., LTD.

REF: USDOC 09802

1. MR. KIMATA OF EMPIRE OSAKA NOW STATES THAT YAMATO IRON CORE INDUSTRIES CORP., A SUBSIDIARY OF KAWASAKI STEEL CORP. PROVIDED PRINTED DATA TO KIMATA FROM THE JAPAN STEEL FEDERATION (NATIONWIDE ORGANIZATION OF JAPAN'S MAJOR STEEL PRODUCERS) SHOWING EQUIVALENCE OF M43 AND M45 TO S23 ANS30 OF THE JAPANESE INDUSTRIAL STANDARD RESPECTIVELY. KIMATA CLAIMS HE MAILED PRINTED DATA TO TEMPEL AND CONTRACT MADE ON ASSUMPTION DATA WAS ACCURATE.

2. KIMATA THEN BOUGHT FROM YAMATO KAWASAKI STEEL'S RM23 AND RM30, WHICH HE SAYS MEET THE REQUIREMENTS OF S23 AND S30 "ACCORDING TO PRINTED DATA" AND SHIPPED THEM TO TEMPEL. HE PERSISTS IN HIS CONTENTION THAT S23 (RM23) IS EQUIVALENT TO M43 AND S30 (RM30) IS EQUIVALENT TO M45.

3. THE JAPAN STEEL FEDERATION AND NIPPON STEEL CORP. (JAPAN'S LARGEST STEEL PRODUCERS) TELL US THAT S23 AND S30 MEET ALL REQUIREMENTS OF M43 AND M45 BUT MR. YAMAMOTO OF THE STEEL MATERIAL ENGINEERING SECTION OF KAWASAKI STEEL SUBSEQUENTLY STATED HIS PERSONAL THAT S23 AND S30 ARE INDEED INFERIOR TO M43 AND M45 BY ONE GRADE EACH WHICH MAKES THEM EQUIVALENT TO M45 AND M50 RESPECTIVELY. MR. YAMAMOTO ADDS THAT NO "S"

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NUMBER IS EXACTLY IDENTICAL TO ANY "M" NUMBER AND THAT DATA

ON THE PROPERTIES OF AMERICAN AND JAPANESE MAGNETIC COILS MAY DIFFER ACCORDING TO MEASURING TECHNIQUES.

4. KIMATA CONTINUES TO INSIST THAT THE STEEL HE PROVIDED HAD NO UNACCEPTABLE DEFECTS. HE LEFT TOWN AGAIN PRIOR TO OUR LEARNING FROM KAWASAKKI THE INFORMATION IN PARA 3.

5. WE WILL PUT THIS TO HIM ON HIS RETURN JULY 3.

6. MEANWHILE, IT APPEARS THAT KIMATA MAY CONTINUE TO INSIST ON A THIRD PARTY RULING TO DETERMINE AMOUNTS OF REFUND OWING IF ANY.

7. KIMATA'S EFFORTS TO RESELL SHIPMENTS (STEPHAN/TEMPEL JUNE 4 LETTER) WERE UNSUCCESSFUL.
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